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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 003611

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USAID FOR CDOWNEY

E.O. 12958: DECL: 08/04/2015

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SUBJECT: SUPREME COURT DECLINES TO POSTPONE ELECTION IN MUSLIM AUTONOMOUS REGION IN MINDANAO

REF: A. MANILA 3477

[¶B.](#) MANILA 3046
[¶C.](#) MANILA 2887
[¶D.](#) MANILA 2442

Classified By: Political Officer Timothy Cipullo for Reasons 1.4 (b) and (d).

[¶11.](#) (C) Summary: The Philippine Supreme Court has declined a request that it postpone the August 8 elections in the Autonomous Region in Muslim Mindanao (ARMM). At this point, it looks like the elections will be held on schedule. Preparations for the elections proceed apace, including in the security arena. During a visit to Marawi, an important Muslim city on August 3, residents told poloff that they were excited about the elections, but they expressed concerns about possible fraud and violence. Mission is moving ahead with its observation plans, and continues to underscore the need for free, fair and safe elections. End Summary.

Supreme Court Declines Request

[¶12.](#) (C) On August 3, the Philippine Supreme Court declined a request that it issue a Temporary Restraining Order (TRO) that would postpone the August 8 elections in the ARMM. The request for the TRO had been made by leftist "party list" House representatives. The petition charged that the holding of the election was unconstitutional because it was not synchronized with national elections. In an August 4 conversation, Supreme Court Spokesman Ismael Khan told Acting Pol/C that the justices were unlikely to consider any further petitions on the matter before election day. Legislative maneuvers to delay the elections also appear to have come up for naught, so far. Congress, for example, has failed to act on a bill proposed by Representatives Gerry Salapuddin and Hussin Amin seeking to postpone the elections until 2007. Salapuddin and Amin claimed that the election should be postponed because the Commission of Elections (COMELEC) is not ready to hold them. In addition, the ARMM Regional Assembly has failed to act on a similar bill introduced by an assemblyman.

Preparations Move Forward

[¶13.](#) (C) At this point, barring the unforeseen, the elections appear almost certain to proceed on schedule on August 8 and preparations in the ARMM are continuing. During an August 3 visit to Marawi, a key Muslim-dominated city, poloff spoke with Armed Forces of the Philippines (AFP) Brigadier General Benjamin Dolorfino, who is in charge of all military and security preparations in the ARMM for the election period. Dolorfino related that his Joint Task Force-HOPE ("Honest, Orderly, and Peaceful Elections") involves five brigades, clustered in key cities in each of the ARMM's five provinces. He said the situation in the ARMM was currently stable, but the Task Force expects problems in Lanao del Sur and Maguindanao Provinces from private armed groups and family/clan-based conflicts (locally known as "rido"). Dolorfino did not voice concern that elements linked with the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) would try to disrupt the elections. He indicated that he had received assurances from former MNLF Chairman Nur Misuari, who is now in jail near Manila, that his loyalists would vote in the elections and not try to undermine it. (Note: The MILF has publicly announced that it would boycott the ARMM elections. The MNLF also denounced the elections, but Misuari later announced that members of his faction would participate. End Note.)

[¶14.](#) (C) Dolorfino told poloff that the military is coordinating closely with the Philippine National Police (PNP) and COMELEC. Security forces plan to control crowds at the precincts by allowing only 10 voters in at a time. Security forces also aim to reduce the number of loiterers who typically intimidate voters or otherwise interfere with the voting process. Dolorfino added that voting materials are arriving under controlled and secure conditions at

regional hubs for distribution in time for election day.

15. (U) At a separate "stakeholders dialogue" in Marawi hosted by Mindanao State University, poloff underlined U.S. support for free, fair, and safe ARMM elections to a gathering of about 50 local NGO employees involved in voter education. General Dolorfino and Ray Sumalipao, a COMELEC official, also attended the meeting. The bulk of Sumalipao's remarks were in defense of COMELEC's record (COMELEC has been battered by charges of malfeasance and incompetence). He concluded by emphasizing that COMELEC will work hard to make the election a success. He urged that voters and candidates conduct themselves responsibly during what is left of the campaign, on election day, and during the counting of the votes.

16. (U) Mission held its final briefing session for its teams of election observers on August 4. Mission plans to send five teams total to Cotabato City (two teams), Marawi City, Basilan, and Sultan Kudarat municipality, starting August 7, to observe polling and canvassing in the ARMM. The teams have been accredited through COMELEC and Mission has coordinated its efforts with other countries sending observers, including Australia and the UK.

The Mood in Marawi

17. (C) While in Marawi, poloff noticed large numbers of campaign posters and banners for all ARMM positions subject to election there. There was a palpable sense of excitement among local voter education and election monitors determined to make a difference in the election. Regular citizens also seemed interested and involved in the process. Nonetheless, poloff also noticed a strong sense of pessimism on the future of the ARMM and the perceived favorite in the governor's race, Zaldy Ampatuan. Marawi Mayor Omar Solitario Ali, a candid, well-informed interlocutor, told poloff privately that he hoped the elections would be postponed, adding that he distrusted Ampatuan and did not think that the ARMM would be governed well if Ampatuan won. Ali added that the Ampatuan family has a reputation for being corrupt. The Ampatuans were also at odds with the families and clans associated with the MILF, which did not augur well for the GRP-MILF peace process, he claimed.

Comment

18. (C) There has been considerable debate about the holding of the ARMM elections. They were scheduled to take place last year, but were pushed back due to lack of funding and general election fatigue after the tumultuous May 2004 national elections. As noted, the elections also have not been popular with the MILF, nor with some MNLF elements. Nonetheless, the elections now look set for next Monday, although there is little optimism -- despite earlier hopes -- that they can serve as a model for the Philippines as a whole. Mission, at every opportunity, continues to underscore the need for the elections to take place in a free, fair and safe environment.

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